UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

ALACRITY RENOVATION SERVICES, LLC,

Plaintiff,

vs.

STANTON F. LONG; JAMES DAVID GIBBS; ALACRITY SERVICES, LLC; COTERMINUS SOLUTIONS, LLC; GENESIS SOLUTIONS DESIGN, LLC; GIBBS & LONG, LLC; and KLIPSPRINGER HOLDINGS, INC.,

Defendants.

Case No. 3:16-cv-00206-FDW-DSC

DEFENDANTS' MOTION FOR LEAVE TO FILE OVER-LENGTH RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO ENJOIN

Defendants hereby request leave of this Court to file their Response in Opposition to Plaintiff's Motion to Enjoin Prosecution in this matter. Defendants' Response, filed herewith, totals 8,092 words. Defendants’ counsel has conferred with Plaintiff’s counsel and Plaintiff’s do not consent to the motion because Plaintiff’s counsel could not explain to Plaintiff the grounds for the request, given the shortness of the motion to which defendant is responding..

Defendants acknowledge that this Court's Initial Scheduling Order directs the parties to file any request for leave to file an over-length motion or response three days prior to the corresponding due date. In light of the intervening holiday, as well as the number of significant issues of law implicated by Plaintiffs' Motion to Enjoin, including the application of the "first-filed" rule in the unique factual circumstances of this litigation, the effect of Plaintiff's similar pending Motion to Dismiss in the Oregon District Court, and the impact of pending jurisdictional questions in North Carolina on plaintiff's Motion, defendants did not recognize the need for an over-length response until that three-day period had passed.

Defendants respectfully request that this Court permit the Response attached hereto. In the event this Court does not permit that filing, defendants respectfully request that this Court allow defendants two days to modify their response to comply with any length requirements this Court directs.

DATED this 5th day of July, 2016.

HARRANG LONG GARY RUDNICK P.C.

By: s/William F. Gary

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CERTIFICATE OF SERVICE

I certify that on July 5, 2016, I served or caused to be served a true and complete copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE OVER-LENGTH RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO ENJOIN** on the party or parties listed below as follows:

- ☑ Via CM / ECF Filing
- ☐ Via First Class Mail, Postage Prepaid
- ☐ Via Email
- ☐ Via Personal Delivery

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